

The Leesburg Planning Commission met on Thursday, June 15, 2006 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Barbara Beach, Heather Biddulph, Scott Parker, Tim Deike, Bill Ackman and Linda DeFranco.

CALL TO ORDER

The meeting was called to order at 7:05pm by Chairman Wright.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Wright
Commissioner Bangert
Commissioner Barnes
Commissioner Burk
Commissioner Kalriess
Commissioner Moore
Mayor Umstattd

Commissioner Hoovler was absent.

ADOPTION OF AGENDA

Commissioner Kalriess moved to adopt the agenda as presented.

Motion: Kalriess
Second: Burk
Carried: 5-0-2

Commissioner Moore was not present for this vote

APPROVAL OF MINUTES

Commissioner Kalriess moved to adopt the minutes of May 4, 2006 as amended.

Motion: Kalriess
Second: Burk
Carried: 3-0-2 (Bangert & Burk abstained)

Commissioner Moore was not present for this vote

CHAIRMAN'S STATEMENT

Chairman Wright went over the agenda pointing out that this is a public input session for the Crosstrail development. He stressed that while we have input, the final decision and vote is up to the County Board of Supervisors.

On another note, Chairman Wright bid farewell since this is his last meeting. He presented a commemorative photo to Commissioner Bridget Bangert who served the Commission from July 2002-June 2006 and is stepping down. Vice Chairman Kalriess presented a commemorative photo to Chairman Wright who served on the Commission from June 2004 – June 2006, the last year as Chairman.

PETITIONERS

None

PUBLIC HEARING

See public input under Comprehensive Planning.

ZONING

None

SUBDIVISION AND LAND DEVELOPMENT

None

COMPREHENSIVE PLANNING

Public input session on County Referral of ZMAP 2005-0011, Crosstrail Rezoning. Scott Parker, Senior Planner, gave a presentation on the rezoning application. The primary land use will include 1,366 residential units, and a mixture of retail, office, etc. The 2005 Leesburg Town Plan calls for primarily regional office in this area. Town Staff is recommending denial of this rezoning based on the following: residential use near the Leesburg Executive Airport does not support the continued use of this community facility; public utilities should be provided by the Town of Leesburg; insufficient office intensity is proposed; too much retail use is proposed in proportion of the total square footage of non-residential and inappropriate types of uses; and transportation mitigation and proffers are insufficient given the impact on the Town of Leesburg's road infrastructure. Mr. Parker illustrated the resulting intersection of Route 7 and Battlefield Parkway, pointing out that it would require Rt. 7 to be 17 lanes wide to accommodate the resulting traffic. The transportation funding contributions fall short by over \$13 million and the phasing plan is not proffered.

The town would like to see the following design improvements in the event of approval: The town center should be more compact and pedestrian friendly; parking structures should be placed in the interior of blocks; there should be public streets throughout the project; signature office buildings should be at Battlefield Parkway; the retail should be located in the center of the site for better access; provide a 20-acre developed public park; extend multiuse paths throughout the site and provide a reforestation plan.

Chairman Wright asked if someone from the town engineering staff could come forward and address the transportation issues.

Bill Ackman came forward and explained that all ingress and egress from the site will be through Sycolin Road or the Greenway into town. The proffers don't cover the cost of Sycolin Road improvement at Rt. 15. The County would use any proffer funds for improvement of Sycolin Road outside of town and give the town any remaining funds for the rest of the improvements. There is no funding for any major improvements by VDOT. Mr. Ackman went on to explain the different phases to the road improvements and their costs.

Chairman Wright said they are basically proffering only what is necessary to drive around the application. Mr. Ackman said this is correct. Some other improvements that were offered for Route 7 have been taken out. Mr. Wright restated the various routes that would be available to residents to move in and out of the area.

Edward Gorski of 204 Stratford Place, SW came forward and thanked the staff for their analysis. He has an issue with noise. He is familiar for the noise impacts of the different types of aircraft that are housed at the airport. The noise impact of the planes flying over the proposed residences is between 85 and 102 decibels. He commented that the higher the income level of residents, the higher the complaint level. The cost of housing in this area will lend itself to more complaints. Mr. Gorski then went over the flight patterns of various aircrafts and how this would be detrimental to the residents.

Commissioner Kalriess asked Mr. Gorski about the decibel levels and asked how the LDN lines are drawn or applied between Dulles and Leesburg Airport. Mr. Gorski replied that the Dulles contours of course are based on the number of flights and airport operations, thereby making them much bigger than those at Leesburg.

Ann Jones of 1232 Bradfield Dr. thanked the staff for their report. Her concerns are related to traffic, lack of office space, and the number of residential units. She feels the current site plan creates a safety issue with its layout. There is also concern about the viability of the airport. If the airport folds, then the town would owe the Federal government significant funds.

Ray Glembot of 206 W. Market Street, and a general aviation pilot. He stated that the most dangerous part of flying in and out of the airport is Sycolin Road. The intersection at Rt. 15 is extremely dangerous now and will be significantly impacted by this new development. He went on to say that since there is no control tower at the airport, there are varying ways to approach the airport. The residences proposed are right in the pathway of approaching aircraft.

Tom Toth, 40863 Robin Circle, a general aviation pilot uses the airport for business. He is a heavy user of the airport. Dulles is not easy to fly into so he finds this airport a jewel for the town and the county and future economic development. As it is, there is already a shortage of open land around the airport. This application would land lock the southern

part of the airport. This would be a safety issue. He described an approach that could happen in stormy weather and said this development would make that approach very challenging.

Gem Bingol came forward to state that the County has not given adequate time for a comprehensive review and rezoning application at the same time.

Ann Jansen of 105 Balch Springs Circle brought up the fact that the noise is loud, the lights are constant and the air smells of jet fuel. Just hearing the transportation issues is enough to let most people realize that this is a bad idea.

Commissioner Barnes said the transportation issue is his greatest concern. He referred to the result of the lines being down on the bypass and how it totally incapacitated the roadway. He feels that the project should be denied. He also stated that the location of the airport must be made public to all potential buyers.

Commissioner Kalriess had some questions about the sewer and water lines of the town and those of LCSA. Aref Etemadi of the Utilities Department explained the location of the lines and the system required to service this area. He explained that the LCSA system services mainly the application and does not consider other potential development. Mr. Kalriess asked if we don't service this area, will we have to build a forcemain and pump station? Mr. Etemadi said this would depend on Bolen Park. The Mayor said the Council has passed a resolution to favor serving Bolen Park, however, based on the possible policy change they are not certain how they would handle this. Barbara Beach, town attorney, said that currently there is a resolution which states an intent but is not legally binding as far as providing water and sewer service to Bolen Park. There was some further discussion on service to the fire and rescue site, as well as Bolen park.

Commissioner Barnes asked who would pay for bringing in the water and sewer? Mr. Etemadi said the town would pay for it, but a pro rata would be charged to the developer broken down as follows: 40% to Crosstrail, 20% town and 40% ancilliary property.

Commissioner Kalriess then addressed the insufficient office intensity. Because of the intensity sought, we need to be careful that the building heights remain manageable. Relating to concerns about the airport the priority should be the residential impact on airport viability. The traffic generation on the various roadways is also of great concern. Big box retail chokes roads on weekends. The traffic studies more than likely were done at peak times on weekdays. This does not give the impact of Saturday shopping traffic. Mr. Kalriess went on to say that we should prepare to focus on the airport noise and LDN overlays. This needs to be put into layman's language. He asked for a breakdown of the \$23million that the staff report refers to. He then asked for clarification on how the town calculates transportation proffers. Bill Ackman said they use the traffic study, number of square feet of facility and break them out by land bay. He said that Crosstrail Blvd has been taken out of the picture and this is the reason that the Battlefield intersection has grown. Mr. Kalriess said it would be helpful to understand the cost of all the road

infrastructure that would make this application viable. Do we close the airport with the residential development and choke the roads in the area?

Mayor Umstattd asked about the traffic issue and how many additional vehicle trips would be generated, and their distribution on the various roads? She would like to see maps that indicate this. Secondly she asked about the implications of this parcel on LCSA for provision of water and sewer. When there is a drought, LCSA needs to ration water, we don't since we pull from the Potomac. Mr. Etemadi responded they do use Beaver Dam and Goose Creek as part of their water supply. Mayor Umstattd questioned the long term ramifications of no reliable water source, how much expansion can LCSA absorb? Mr. Etemadi explained some of the different sources that LCSA uses for water. The Mayor wondered how much they would have to increase rates to fund this kind of growth. Mr. Etemadi said he really doesn't have any numbers.

Commissioner Burk asked about the through the fence park for the airport. Who has the final decision on if this will happen. Barbara Beach said the Airport Commission would make the recommendation to the Town Council, who has the final authority. Mr. Burk then asked Chairman Wright to define JLMA and the role players in it. Chairman Wright Explained the JLMA, Joint Land Management Area and the UGA which is the older term, Urban Growth Area. This is the area that immediately surrounds the town in which the town can make recommendations regarding planning to the County. The County has the final say in this area.

Commissioner Bangert asked Mr. Gorski about the impact of noise from the Greenway, along with the airport noise. Mr. Gorski responded that there was a noise study done and all indication are that this site will be very noisy. He went on to say that he would look into obtaining a copy. Ms. Bangert agreed with Ms. Bingol regarding the comprehensive planning of the site. Ms. Bangert referred to Ridgewater and asked about the dependency of utility expansion on this application. Chairman Wright asked when the submission deadlines expire for Ridgewater. Ms. Bangert asked what happens if Creekside is denied with regard to utility lines. Mr. Etemadi said it will cost more to build the system to any other applications in the area. She asked if anyone called the town to discuss any type of partnering on utility provision to this area. Mr. Etemadi said they could do it without us, but partnership could make sense. To date there has been no discussion. Next Ms. Bangert asked if there were any properties left in the JLMA that would be feasible for economic development. Mr. Etemadi said the main interest right now is residential, not office.

With regard to transportation, Ms. Bangert asked Mr. Ackman about the ingress and egress patterns of the site. Essentially the road systems allows for entry/exit via the Greenway (toll) or Leesburg Streets. Ms. Bangert then asked about the road phasing. Mr. Parker explained the phasing as it is currently planned. It is dependent upon the number of dwelling units completed. Also, none of the phasing is proffered allowing the applicant to alter the phasing plan to suit the actual building areas. Ms. Bangert asked if the fire and rescue site had direct access to the airport or if it needed to enter the roadway system to reach the airport. The response was that they needed to enter the roadway

system which is not acceptable. Ms. Bangert then asked about the impact on Oaklawn. Chairman Wright responded saying that Oaklawn representatives had attended a Council meeting and they are very concerned about this new project.

Commissioner Moore has concerns about public health and safety and the ability of the residents to enjoy their property. Leesburg residents are also residents of the County and it is important that their voice also be heard. He thanked the County staff for their efforts in their staff report.

Chairman Wright announced that the County public hearing would be held on Monday, June 19th at 6:00pm. He acknowledged the cooperation of town and county staff and their combined efforts. He then asked if in the worst case scenario if they can't convince the County to deny this, could they require a phasing plan that would only allow to build to a certain amount and then put in the road improvements. Barbara Beach said this has been done but is not supported by state code. Mr. Wright thanked Mr. Gorski and asked staff if our contours are out of date. Next he touched on the through the fence operation. The Airport Commission does not support a through the fence operation. Commissioner Bangert asked about the land being in the county and the airport in the town. Who has the authority? Barbara Beach said there are no hangars outside the airport. In order to put hangars out there, a road would have to be built. For security purposes, this should not be allowed and a resolution to that effect is being proposed. Ms. Bangert asked if we adjusted the boundary to take that parcel, would the through the fence operation be allowed then? Chairman Wright then asked about the road alignment in the area and how it impacts the runway expansion. Has this been addressed in the site plan? Mr. Ackman said yes, they have. Barbara Beach explained the easement that is near the airport.

Commissioner Kalriess asked if the expansion of Crosstrail Boulevard took into consideration the expansion of the airport. Mr. Ackman responded that it did.

Mayor Umstattd asked about the county being in violation of the annexation agreement with the town. If the town went in with an injunction, would that be justified, or would the meager agreement to have the town give input be sufficient under the agreement. Barbara Beach replied that the county planning commission is honoring the agreement. The Board Of Supervisors and Town Council ultimately must come forward. There have been statements saying they will push this through, however, the planning commission has welcomed comment, thereby honoring the agreement to an extent, so she will reserve further comment. Commissioner Bangert referred to the resolution in the packet this evening and was hesitant to proceed with it since she felt this would be perceived in a negative way by the County. She is asking for deferral of the resolution to allow a more open communication between the two bodies.

Chairman Wright agreed that if this were passed as is, they endorse staff and their work. Council has already passed a resolution that is similar to this.

Commissioner Burk asked what the timeline would be if they held off on this resolution? Commissioner Bangert said it will depend on the meeting on Monday night. They could

verbally state their opinion. She feels that this will move to worksession since there are still so many unanswered questions. Barbara Beach said the Commission could notice the public that they are continuing this item until Monday night, have the resolution with you, and if you do not feel you have gotten to see what it looks like, you can go into the hallway and vote and then hand the resolution at that time. The vote must be open, in the hallway. Mr. Parker went over the agenda for Monday evening saying that once the public comment is closed, they may or may not have the opportunity to submit the resolution. Chairman Wright said it also depends on how much input they will allow the Commissioners to participate. Will they be able to openly comment, or will they have to sign up to speak? Commissioner Kalriess said he has concerns over the resolution and feels that they need to have a seat at the table and listen to all comments. He feels that they could have a resolution that states "the following things concern us . . . ". He has concerns about the future economic impact and suggested that they not list items they don't like, but emphasize the larger picture items that concern them.

Commissioner Barnes said the resolution says they agree with the staff and feels that they should go forward with it.

Commissioner Bangert said that they are interfering with process if they pass this resolution now. She moved to table this item until Monday and try to meet before the public hearing is closed and decide at that time.

There was some discussion on the time they should meet. Barbara Beach said they need to give a time certain. They need to announce the time they will meet and at that time they can continue to another time.

Motion: Bangert
Second: Burk
Carried: 6-0

Gem Bingol came forward to say there are two items, a CPAM and a ZMAP and asked how long they would be allowed to speak. The response was that it was at the discretion of the County Planning Commission.

At this time the Chairman moved to Old Business.

OLD BUSINESS

Susan Swift came forward to go over some of the information previously discussed with regard to creating a second Board of Architectural Review. While the caseload has had some significant increase, this is temporary. Major improvements in process and standards are the Procedures Manual which sets out what applicants need to know prior to going to the BAR. A consultant will be hired to update the H-1 guidelines. The H-2 guidelines will be updated in conjunction with the Crescent District during 2007. Allowing administrative approval of signs also contributes to lightening the caseload.

Cost of a second BAR would be in the neighborhood of \$100K to support a second staff person and administrative person.

Annie McDonald, Preservation Planner, went over the caseload that was caused in part by the Crescent District Master Plan. They added worksessions to try and keep up with the caseload. This has slowed down since February. Worksessions allow them to schedule cases, discuss them in detail, etc. She referred to the Procedures Manual that was presented this evening in draft and explained the information that it will include.

Dieter Meyer, member of the BAR, came forward and stated that he was speaking on behalf of himself, not the entire BAR. He concurs with the staff but thanked the Council for their concern and consideration of the second BAR. He admitted that some months there is a heavy caseload. Availability of the packet just prior to the weekend with the meeting on Monday, it becomes difficult to get through the whole process. If they could move the meetings to Wednesday or Thursday, it would give them more time. He went on to refer to the Procedures Manual that states that architectural design should not be considered until after the siting of the building on the parcel is complete. This is basically for engineering purposes and doesn't always consider the best possible design for pedestrian, building or adjacent structure orientation. He hopes that there is flexibility built into this so it can be done in a holistic manner. Lastly he said he feels the BAR should get a pay raise.

Commissioner Moore asked if the recommendation was the planning be done first or everything in conjunction with one another? Mr. Meyer said the best design occurs when you are looking at building placement along with architecture. This can best occur when architects are brought into the process early on. Mr. Moore asked whether the BAR could change their own meeting times. The response was yes. There was some further discussion on changing the meeting dates, and realizing that this would change the deadline dates.

Commissioner Burk commented on the Procedures Manual and how informative it will be. He can see that Monday is not the ideal night to hold a meeting because of holidays, etc. and concurred that a second BAR is probably not necessary.

Mayor Umstadt asked Ms. McDonald to make a change on page 4 omit the statement "at the request of the property owner". Sometimes properties are included in the Historic District against the will of the owners. Will this necessitate outlining those properties separately? She asked that the statement about Carlheim be rewritten on page 5. On page 8, second paragraph from the bottom there is a statement regarding turnover on the BAR that should be omitted. Also, the last paragraph on page 8 the requirement of the appointees be from all over town is also a policy statement that should be left to the Council.

Commissioner Kalriess stated that the manual outlines the process very well and thanked Ms. McDonald. He commented on how the developers working in Loudoun are being sensitive to the design on the buildings they are putting up. This shows a willingness to

work with the town and the town should react by asking for the best possible design. He commented on the review process and agreed that there should be flexibility right from the start. He emphasized that an applicant really doesn't want to site a building and then have to go back to the drawing board with the other detail. Annie McDonald said they are still working "bugs" out of the process, but are well on their way to improving the process. Susan Swift said preapplication meetings have been restructured to provide more detail right in the beginning. Going to the BAR too many times, or too early defeats the purpose of this restructuring and they are working to correct this.

Mr. Meyer says much of this depends on the sophistication of the developer. Some of the small projects just don't come in with the detail that they should. Getting all of them to understand they should get the architect early on in the process would be helpful.

Chairman Wright referred to the Oaklawn proffer to BAR review. He realized that this was a challenge to the BAR since there were no particular guidelines to apply to the suburban townhouses. Mr. Meyer said this was an awkward situation since there was an architectural mix proposed. Chairman Wright also supports the staff recommendation. He also supported moving the meeting to another day of the week and would support a pay raise to the Board. He also suggested they be careful about having the BAR review any non H-1 or H-2 proffers.

Dieter Meyer agreed with going to form based zoning and said he would like to see it for the entire town. He feels this issue should be readdressed within a year or two to make sure everything is still working.

Commissioner Bangert moved that the Planning Commission recommend to Council that no second BAR be created, and that they check with BAR in two years to review their processes and make sure that things are moving along, and that Council immediately take a look at compensation for the BAR members.

Commissioner Kalriess had some question on proffered architectural review. Susan Swift responded that this would normally fall under the review of the Planning Commission.

Motion: Bangert
Second: Burk
Carried: 6-0

COUNCIL REPRESENTATIVES REPORT

None

STAFF AND COMMITTEE REPORTS

None

NEW BUSINESS

Commissioner Bangert thanked her fellow commissioners and the staff for their support of her tenure on the Commission.

Commissioner Moore also thanked both Chairman Wright and Commissioner Bangert for their service and leadership. This was also echoed by Commissioner Burk.

ADJOURNMENT

The meeting adjourned at 10:40pm.

Prepared by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman